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Letter dated 12 March 2007 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report of the Lao People's Democratic Republic submitted pursuant to resolution 1624 (2005) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ricardo Alberto **Arias**
Chairman
Security Council Committee established
pursuant to resolution 1373 (2001)
concerning counter-terrorism

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Annex

Note verbale dated 13 March 2007 from the Permanent Mission of the Lao People's Democratic Republic to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

The Permanent Mission of the Lao People's Democratic Republic to the United Nations presents its compliments to the Chairman of the Committee and has the honour to enclose herewith a report of the Government of the Lao People's Democratic Republic to the Security Council on the implementation of resolution 1624 (2005) (see enclosure).

Enclosure

Report of the Government of the Lao People's Democratic Republic to the Security Council on the implementation of Resolution 1624 (2005)

Pursuant to Security Council resolution 1624 (2005) and additional questionnaires from the Security Council Counter-Terrorism Committee (CTC), the Government of the Lao People's Democratic Republic would like to report on the progress made after the submission of the report on the implementation of resolution 1373 (2001) and provide further information to the Committee's questionnaires.

Since the submission of its first report, the Lao Government has undertaken a number of administrative and legislative measures as required by the resolution. The Penal Law of the Lao PDR has been reviewed accordingly, the Law on money-laundering has been adopted, border crossing measures have been enhanced and other administrative acts have been adopted and implemented.

The following are the answers to the questionnaires:

Paragraph 1

1.1 *What measures does the Lao People's Democratic Republic have in place to prohibit by law and to prevent incitement to commit a terrorist acts or acts? What steps, if any, are under consideration?*

The Lao PDR has undertaken a number of legal measures by reviewing and amending its Penal Law. The Penal Law of the Lao PDR now covers crimes committed by terrorist acts that are addressed in international instruments on terrorism; for instance, Article 60 addresses an attempted act of terrorism; Article 80 deals with crimes related to the use of chemical weapons; Article 98 focuses on air, airport and port security breach; Article 101 addresses crimes related to hostage taking. In addition, there are other articles, such as Articles 133, 134 and 146, that address issues of sexual exploitation, human trafficking, abduction and drug trafficking. These provisions define the crimes and the degree of punishment.

Furthermore, Article 175 specifically addresses dangerous acts on board aircraft, and in cars, airports, ports and transportation. It stipulates that any individual breaching regulations and imposing a danger on board ships or aircraft or in cars, airports, ports or transportation which result in damages ranging from 5.000.000 kip to 20.000.000 kip shall face a sentence of from five to ten years imprisonment and a fine of 5.000.000 kip to 15.000.000 kip. If this act leads to extensive damage, the perpetrator will be imprisoned from 10 to 20 years and fined from 15.000.000 kip to 50.000.000 kip, or he/she will be sentenced to life imprisonment and fined from 50.000.000 kip to 150.000.000 kip or sentenced to capital punishment.

Article 64 (new) deals with crimes related to money-laundering, which states that any individual trying to legalize any money or property obtaining from corruption, drugs and human trafficking, illegal arms trading or other illegal acts through bank transfer, the acquisition of land, property, houses, the provision of loans or through other means will be defined as a money launderer and will face a

term of imprisonment from one to three years and be fined 300 per cent of the money laundered.

In the case that money-laundering becomes frequent, turns into an organized crime and involves a huge amount of money, the perpetrator shall be punished from five to ten years of imprisonment and be fined 300 per cent of the money laundered.

Anyone involved in the preparation and attempt of such infractions shall also be punished.

Any individual involved in money-laundering shall be punished from six months to two years of imprisonment and be fined 100 per cent of the total money that he/she receives.

Any individual who is in a position to report on money-laundering, such as staff of banks or other financial agencies, and fails to report or has an intention to provide incorrect information would be considered as concealing information and shall be punished in accordance with Article 154 of this Law.

The fund and properties associated with money-laundering, including interest and benefits derived therefrom, shall be confiscated.

Article 165: concealing a crime

Any individual who is aware of or witnesses a crime committed by a perpetrator and who does not report to an authority shall serve a term of imprisonment from three months to two years, or undergo correctional education without imprisonment, or be fined an amount from 200.000 kip to 2.000.000 kip.

1.2 *What measures does the Lao People's Democratic Republic take to deny safe haven to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of incitement to commit a terrorist act or acts?*

Over the past years, the police force of the Lao People's Democratic Republic has been exercising its functions in accordance to the following regulations and laws:

1.2.1 The Lao People's Democratic Republic does not yet have a specific law on counter-terrorism. However, the Lao PDR has strongly supported Security Council resolution 1373 (2001) on counter-terrorism;

1.2.2 The Lao People's Democratic Republic has established a National Ad Hoc Committee for implementing resolution 1373 (2001) on counter-terrorism in accordance with the Prime Minister Decree No. 63 dated 27 December 2002. The Committee includes the Ministry of Foreign Affairs, the Ministry of Public Security, the Ministry of Defense, the Ministry of Justice, etc.;

1.2.3 According to Article 16 of the Criminal Law of the Lao People's Democratic Republic, no one is allowed to use the territory of the Lao PDR to harbour terrorists or organize forces against other countries;

1.2.4 Article 56 of the Criminal Law forbids any individual or group of individuals to undertake a disloyal plot or betray his/their own county;

1.2.5 Article 58 of the Criminal Law prohibits spying by any individual or group of individuals;

1.2.6 Article 59 of the Criminal Law prohibits the use by any individual or group of individuals of the territory of the Lao PDR to undertake any activity that undermines national security;

1.2.7 Article 65 of the Criminal Law prohibits the organization by any individual or group of individuals of misleading propaganda, deception and fabrication of facts which aim to discredit the policy of the Lao Government;

1.2.8 Articles 76, 77 and 78 of the Criminal Law forbid any individual or group of individuals to undertake any illegal production, possession, use, trade or theft of armaments and atomic materials.

Paragraph 2

1.3 *How does the Lao People's Democratic Republic cooperate with other States in strengthening the security of its international borders with a view to preventing those guilty of incitement to commit a terrorist act or acts from entering their territory, including terrorist screening and passenger security procedures?*

The Lao People's Democratic Republic shares a border with five countries, namely, China, Myanmar, Viet Nam, Thailand and Cambodia. It enjoys good relations with neighbouring countries. In order to ensure border security, the Lao People's Democratic Republic has undertaken the following measures:

- A joint Lao-Thai committee on border security at the central and provincial levels has been established to prevent and suppress border crimes, such as illegal entry, illegal labour trading, drug trafficking, illicit trade and terrorist activities.
- The Lao People's Democratic Republic and its neighbour countries have agreed not to permit any individual or group of individuals to use their territories and sovereignty to stage an attack against each other. We have agreed to enhance cooperation and take action under national law against any individual who tries to undermine relations between the Lao PDR and its neighbours. If there is any individual or group of individuals (a group or illegal armed force) who tries to carry out unlawful activities along the border between the Lao PDR and its neighbours, we should address the case immediately through joint effort.
- The Lao People's Democratic Republic cooperates with its neighbouring countries in the fight against terrorism. It assigns the border security control units at all levels to coordinate and share information regarding border security with their counterparts in neighbouring countries through bilateral channel as well as within ASEAN.
- The Lao People's Democratic Republic and its neighbours have adopted travel regulations that facilitate the legal movement of the public and passengers across the border. If a citizen of either country is detained, such information must be provided to the country concerned and the name of the detainee must be shared, and permission for the concerned authority and relatives to visit the detainee must be granted.
- The Lao People's Democratic Republic is pursuing a policy of comprehensive national defence and public security. Every Lao citizen has a duty to make a contribution in this regard. There are police and security units at all levels

ranging from villages to cities, whether big or small, remote or rural, which play a leading role in ensuring security and social order. A routine check of strangers' ID in villages and cities is regularly conducted. If there is a case of faulty or suspicious ID, it would be investigated and tried according to the law of Lao PDR.

- The Lao PDR has adopted strict measures on control and routine check of travel documents of both Lao citizens and foreigners at border checkpoints. Legal frameworks and regulations on management of tourists, businessmen and foreign experts working in the Lao PDR have been adopted and put into effect.
- The Lao PDR has installed security control systems in international airports and certain international border checkpoints, such as scanning machines, to check the objects of arriving and departing passengers.

Paragraph 3

1.4 *What international efforts is the Lao People's Democratic Republic participating in or considering participating in/initiating in order to enhance dialogue and broaden understanding among civilizations in an effort to prevent the indiscriminate targeting of different religions and cultures?*

Article 9 of the Constitution of the Lao PDR stipulates: "The state respects and protects all lawful activities of Buddhists and of other religious followers, mobilizes and encourages Buddhist monks and novices as well as the priests of other religions to participate in activities which are beneficial to the country and people. All acts of creating division of religions and classes of people are prohibited."

The Lao People's Democratic Republic has participated in various international and regional religious meetings and conferences aimed at enhancing dialogue and broadening understanding among civilizations, creating peace and friendship and encouraging cooperation among different religions, such as the Conference on Dialogue between leaders of religious organizations held in Jakarta, Indonesia in February 2006; Meeting of Cooperation on religious belief held in Cebu, the Philippines in March 2006; 8th Meeting of the Council of Religion for Peace held in Kyoto, Japan in August 2006; 13th Meeting on the exchange of views on religion and legislation held in the United States of America in September 2006; and others.

Paragraph 4

1.6 *What is the Lao People's Democratic Republic doing to ensure that any measures taken to implement paragraphs 1, 2 and 3 of resolution 1624 (2005) comply with all of its obligations under international law, in particular international human rights law, refugee law, and humanitarian law?*

The Lao PDR has become party to seven international conventions on the fight against terrorism. Currently, the National Assembly of the Lao PDR is considering the ratification of the remaining five conventions. As regards the Convention on Nuclear Weapon Terrorist Prevention, it is still under consideration.

The Lao PDR has incorporated the provisions of the concerned international conventions into its national legislation, especially into the national Penal Law, which was amended and adopted by the National Assembly on 9 November 2005. In the newly amended Penal Law, a number of new provisions related to the prevention of terrorist acts have been included, for instance, Article 41(2): Organized group infraction; Article 60: a prepared plot; Article 64: money-laundering; Article 80: crime of chemical weapons; Article 98: security breach on board aircraft and ships and at airports; Article 101: hostage taking; Article 134: human trafficking.

The Lao PDR attaches importance to the prevention of money-laundering. Therefore, the Lao Government issued the Decree on Anti-Money Laundering in March 2006, which has become effective since that date.

With respect to the protection of human rights as we undertake measures to fight against terrorism, the Lao PDR applies various national laws, particularly, the Law on criminal proceeding of 15 May 2004, the law on People's Court, the law on Public Prosecution; for instance:

- Article 5 of the Law on criminal proceeding: violation of the rights and freedoms of citizens;
- Article 8 of Law on criminal proceeding: presumption of innocence;
- Article 17 of Law on criminal proceeding: comprehensive, complete and objective case proceeding;
- Article 18 of Law on criminal proceeding: ensured right of citizen to submit a petition and complaint;
- Article 62 of Law on criminal proceeding: arrest;
- Article 65 of Law on criminal proceeding: detention;
- Article 78 of Law on criminal proceeding: exercise discretion in the court house;
- Article 4 of the Law on People's Court: equality under the law and public court;
- Article 2 of the Law on Public Prosecution: duty of the Public Prosecutors.

In order to ensure effective implementation of international conventions on the fight against transnational organized crimes and all forms of terrorist acts, the Lao PDR has established a Government inter-agency consisting of the Ministry of Foreign Affairs, Ministry of Public Security and Ministry of Justice to coordinate efforts in this regard domestically and with international concerned bodies. The Ministry of Public Security is mandated to coordinate national implementation, while the Ministry of Foreign Affairs is tasked with external coordination, and the Ministry of Justice liaises with other government agencies to carry out research and propose draft legislation to the National Assembly for consideration.